IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.803 OF 2006

Vivek Chintamani Gulvani & Ors. ...Appellants
Orig.Defs.

V/s.

Suresh Shripad Deshpande & Anr. ...Respondents
(Res.1/Orig.Plaff.)
(Res.2/Orid.Def.No.4)

Mr.M.S. Lagu for Appellants.
Mr.V.S. Talkute for Respondent No.1.

CORAM : V.M. KANADE, J.

DATED : 18th JULY, 2007.

P.C:-

1. Heard learned counsel for the Appellants and learned counsel for the Respondent No.1.

2. The Appellants are challenging the order passed by the Trial Court whereby the Appellants herein are restrained from obstructing right of Respondent No.1/Plaintiff from using lane and well situated in the suit property. This order was confirmed by the lower Appellate Court. The Appellants being aggrieved by the aforesaid two orders, have preferred Second Appeal.

2. Learned counsel for the Appellants submitted that the

Appellants had, in fact, purchased entire property from earlier owner and therefore, the Respondent No.1 did not have any right or interest in the suit property. Record indicates that Appellants/defendants are claiming an easementary right over the disputed property since 1864. Both the Courts have recorded finding of fact to that effect. No substantial question of law is, therefore, raised in the Second Appeal. Second Appeal is accordingly dismissed.

V.M. KANADE, J.